

Executive Summary – Enforcement Matter – Case No. 51819
LAKE PALO PINTO AREA WATER SUPPLY CORPORATION
RN101456911
Docket No. 2016-0148-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lake Palo Pinto Area WSC, 4500 North Lakeview Drive, Gordon, Palo Pinto County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 15, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$351

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$351

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 11, 2016 through January 22, 2016

Date(s) of NOE(s): January 22, 2016

Executive Summary – Enforcement Matter – Case No. 51819
LAKE PALO PINTO AREA WATER SUPPLY CORPORATION
RN101456911
Docket No. 2016-0148-PWS-E

Violation Information

1. Failed to comply with maximum contaminant level ("MCL") of 0.060 milligrams per liter for haloacetic acids based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to comply with MCL of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the MCL for haloacetic acids and total trihalomethanes based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5717; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Mark Griffin, General Manager, LAKE PALO PINTO AREA WATER SUPPLY CORPORATION, P.O. Box 410, Gordon, Texas 76453-0410
Bruce Rogers, President, LAKE PALO PINTO AREA WATER SUPPLY CORPORATION, P.O. Box 410, Gordon, Texas 76453-0410

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES

Assigned

25-Jan-2016

PCW

24-Feb-2016

Screening

29-Jan-2016

EPA Due

31-Dec-2015

RESPONDENT/FACILITY INFORMATION

Respondent LAKE PALO PINTO AREA WATER SUPPLY CORPORATION

Reg. Ent. Ref. No. RN101456911

Facility/Site Region 4-Dallas/Fort Worth

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 51819

Docket No. 2016-0148-PWS-E

Media Program(s) Public Water Supply

Multi-Media

No. of Violations 2

Order Type Findings

Government/Non-Profit Yes

Enf. Coordinator Steven Van Landingham

EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum \$50

Maximum

\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$300

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

17.0% Adjustment

Subtotals 2, 3, & 7 \$51

Notes

Enhancement for three NOV's with same/similar violations, and one NOV with dissimilar violations.

Culpability

No

0.0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$0

Economic Benefit

Total EB Amounts \$781

Estimated Cost of Compliance \$5,000

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$351

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$351

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$351

DEFERRAL

0.0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$351

Screening Date 29-Jan-2016

Docket No. 2016-0148-PWS-E

PCW

Respondent LAKE PALO PINTO AREA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51819

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101456911

Media [Statute] Public Water Supply

Enf. Coordinator Steven Van Landingham

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 17%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with same/similar violations, and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 17%

Screening Date 29-Jan-2016

Docket No. 2016-0148-PWS-E

PCW

Respondent LAKE PALO PINTO AREA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51819

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101456911

Media [Statute] Public Water Supply

Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average, as documented during a record review on January 11, 2016 through January 22, 2016. Specifically, the locational running annual average concentrations of HAA5 at Stage 2 Disinfection Byproducts ("DBP2") Site 1 were 0.104 mg/L for the second quarter of 2015, 0.092 mg/L for the third quarter of 2015, and 0.088 mg/L for the fourth quarter of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for HAA5 has caused persons served by the Facility to be exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

275 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$150

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$781

Violation Final Penalty Total \$176

This violation Final Assessed Penalty (adjusted for limits) \$176

Economic Benefit Worksheet

Respondent LAKE PALO PINTO AREA WATER SUPPLY CORPORATION

Case ID No. 51819

Reg. Ent. Reference No. RN101456911

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Jun-2015	21-Sep-2017	2.23	\$37	\$743	\$781
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost to implement an alternative form of disinfection. The date required is the last date of the first quarter of noncompliance, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$781

Screening Date 29-Jan-2016

Docket No. 2016-0148-PWS-E

PCW

Respondent LAKE PALO PINTO AREA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 51819

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101456911

Media [Statute] Public Water Supply

Enf. Coordinator Steven Van Landingham

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the MCL of 0.080 mg/L for total trihalomethanes ("TTHM"), based on the locational running annual average, as documented during a record review on January 11, 2016 through January 22, 2016. Specifically, the locational running annual average concentrations for TTHM at DBP2 Site 2 were 0.086 mg/L for the second quarter of 2015, 0.099 mg/L for the third quarter of 2015, and 0.106 mg/L for the fourth quarter of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for TTHM has caused persons served by the Facility to be exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

275 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$150

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$176

This violation Final Assessed Penalty (adjusted for limits) \$176

Economic Benefit Worksheet

Respondent LAKE PALO PINTO AREA WATER SUPPLY CORPORATION
 Case ID No. 51819
 Reg. Ent. Reference No. RN101456911
 Media Public Water Supply
 Violation No. 2

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in Violation No. 1

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600651863, RN101456911, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600651863, LAKE PALO PINTO AREA WATER SUPPLY CORPORATION **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101456911, Lake Palo Pinto Area WSC **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 4500 NORTH LAKEVIEW DRIVE, GORDON, PALO PINTO COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1820069

WATER LICENSING LICENSE 1820069

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: January 29, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 29, 2011 to January 29, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Steven Van Landingham

Phone: (512) 239-5717

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 December 30, 2015 (1299508)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 07/10/2015 (1293876) CN600651863
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/TTHM LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.104 mg/L at Corner of FM 4 and Ramsey (DBP2-01); and the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 825 Coalville Rd MRT, Gordon (DBP2-02).

2 Date: 10/08/2015 (1293876) CN600651863
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/TTHM LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system

violated the maximum contaminant level for haloacetic acids with a LRAA of 0.092 mg/L at Corner of FM 4 and Ramsey (DBP2-01); and the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.099 mg/L at 825 Coalville Rd MRT, Gordon (DBP2-02) .

- 3 Date: 11/05/2015 (1293876) CN600651863
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.
- 4 Date: 01/11/2016 (1306552) CN600651863
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/THM LRAA MCL 4Q2015 - During the 4th quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.088 mg/L at Corner of FM 4 and Ramsey (DBP2-01); and the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.106 mg/L at 825 Coalville Rd MRT (DBP2-02).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/29/2011 and 1/29/2016

- 1 Date: 08/21/2012 (1015784) CN600651863
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain a total chlorine residual of at least 0.5 milligrams per liter
(mg/L) throughout the distribution system.
EIC B19c(6) MOD(2)(G)
- 2* Date: 07/10/2015 (1293876) CN600651863
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/TTHM LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system
violated the maximum contaminant level for haloacetic acids with a LRAA of 0.104
mg/L at Corner of FM 4 and Ramsey (DBP2-01); and the system violated the
maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at
825 Coalville Rd MRT, Gordon (DBP2-02).
- 3 Date: 10/08/2015 (1293876) CN600651863
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/TTHM LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system
violated the maximum contaminant level for haloacetic acids with a LRAA of 0.092
mg/L at Corner of FM 4 and Ramsey (DBP2-01); and the system violated the
maximum contaminant level for trihalomethanes with a LRAA of 0.099 mg/L at
825 Coalville Rd MRT, Gordon (DBP2-02) .
- 4 Date: 11/05/2015 (1293876) CN600651863
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead
and copper levels to the TCEQ for the triennial reduced monitoring period from
01/01/2013 to 12/31/2015 within the required timeline.
- 5 Date: 01/11/2016 (1306552) CN600651863
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/TTHM LRAA MCL 4Q2015 - During the 4th quarter of 2015 the system
violated the maximum contaminant level for haloacetic acids with a LRAA of 0.088
mg/L at Corner of FM 4 and Ramsey (DBP2-01); and the system violated the
maximum contaminant level for trihalomethanes with a LRAA of 0.106 mg/L at
825 Coalville Rd MRT (DBP2-02).

* NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Appendix B

All Investigations Conducted During Component Period January 29, 2011 and January 29, 2016

- Item 1 September 06, 2012** (1015784) For Informational Purposes Only
- Item 2 November 18, 2015 (1293876) For Informational Purposes Only

Item 3	November 20, 2015	(1294140) For Informational Purposes Only
Item 4*	December 30, 2015	(1299508) For Informational Purposes Only
Item 5	January 21, 2016	(1306552) For Informational Purposes Only
Item 6	January 22, 2016	(1306626) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LAKE PALO PINTO AREA WATER
SUPPLY CORPORATION
RN101456911**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-0148-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LAKE PALO PINTO AREA WATER SUPPLY CORPORATION ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 4500 North Lakeview Drive in Gordon, Palo Pinto County, Texas (the "Facility") that has approximately 583 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from January 11, 2016 through January 22, 2016, TCEQ staff documented that the locational running annual average concentrations for haloacetic acids ("HAA5") at Stage 2 Disinfection Byproducts ("DBP2") Site 1 were 0.104 milligrams per liter ("mg/L") for the second quarter of 2015, 0.092 mg/L for the third quarter of 2015, and 0.088 mg/L for the fourth quarter of 2015.
3. During a record review conducted from January 11, 2016 through January 22, 2016, TCEQ staff documented that the locational running annual average concentrations for total trihalomethanes ("TTHM") at DBP2 Site 2 were 0.086 mg/L for the second quarter of 2015, 0.099 mg/L for the third quarter of 2015, and 0.106 mg/L for the fourth quarter of 2015.
4. The Respondent received notice of the violations on January 15, 2016.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY Code ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with MCL of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Three Hundred Fifty-One Dollars (\$351) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Three Hundred Fifty-One Dollar (\$351) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Fifty-One Dollars (\$351) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LAKE PALO PINTO AREA WATER SUPPLY CORPORATION, Docket No. 2016-0148-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for HAA5 and TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date

9/2/16
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of LAKE PALO PINTO AREA WATER SUPPLY CORPORATION. I am authorized to agree to the attached Agreed Order on behalf of LAKE PALO PINTO AREA WATER SUPPLY CORPORATION and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, LAKE PALO PINTO AREA WATER SUPPLY CORPORATION waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

6-30-16
Date

BRUCE ROGERS
Name (Printed or typed)
Authorized Representative of
LAKE PALO PINTO AREA WATER SUPPLY CORPORATION

PRES LPPAWS BOARD OF
Title DIRECTORS

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.